

MICHAEL SUBENKO
PETITIONER

V

COMMONWEALTH
RESPONDENT

CIVIL ACTION NO
1.04.10023

FILED
CLERKS OFFICE

2005 FEB 10 P 1:26
PETITIONER S
APPLICATION
FOR CERTIFICATE OF
APPEALABILITY
U.S. DISTRICT COURT
DISTRICT OF MASS

PETITIONER'S APPLICATION FOR CERTIFICATE OF
APPEALABILITY

PURSUANT TO 28 U.S.C.SEC.2253.F.R.A.P.22 b AND LOC.RULE.22.1
PETITIONER MICHAEL.SUBENKO.HEREBY APPLIES FOR A CERTIFICATE OF
APPEALABILITY WITH RESPECT TO EACH OF THE ISSUES RAISED IN HIS
PETITION AS FOLLOWS

1 CONVICTION OBTAINED BY USE OF EVIDENCE OBTAINED PURSUANT TO
AN UNLAWFUL ARREST

2 CONVICTION OBTAINED BY A VIOLATION OF THE PRIVILEGE AGAINST
SELF INCRIMINATION,CONVICTION OBTAINED BY ACTION OF A GRAND OR
PETIT JURY WHICH WAS UNCONSTITUTIONALLY SELECTED AND IMPANELED.

3 DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL

4 DENIAL OF RIGHT OF APPEAL

IN SUPPORT OF THIS APPLICATION THE PETITIONER ATTACHES A COPY OF
HIS MEMORANDUM OF LAW.

DATED FEBUARY 12 2005

Michael Subenko

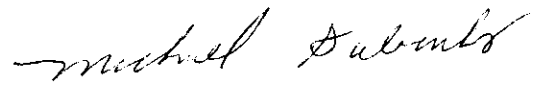
RESPECTFULLY SUBMITTED

MICHAEL SUBENKO
P.O BOX 8000
SHIRLY MA 01464

CERTIFICATE OF SERVICE

I MICHAEL SUBENKO CERTIFY THAT ON THIS DATE FEBRUARY 12, 2005
i have mailed a true and correct copy of the within Application
for Certificate of Appealability by first class mail, postage
prepaid to ASSISTANT ATTORNEY GENERAL DANIEL I. SMULOW, BBO641668
ONE ASHBURTON PLACE BOSTON MA, 02108

DATED FEBRUARY 12 2005



MICHAEL SUBENKO